

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MISCHA P. DIX,)	8:08CV270
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
MICHAEL J. ASTRUE,)	
Commissioner of the)	
Social Security Administration,)	
)	
Defendant.)	

Plaintiff filed a complaint to review and set aside a decision under the Social Security Act on June 27, 2008 ([filing 1](#)). After twice being granted additional time in which to respond to Plaintiff's brief on the merits, Defendant, on January 8, 2009, filed a motion to remand pursuant to sentence four of 42 U.S.C. § 405(g) ([filing 15](#)). Plaintiff states that he "offers no resistance" to the motion ([filing 17](#)).

Defendant states in his supporting brief that "[t]he ALJ's denial of Plaintiff's requests for a supplemental hearing was improper" and "[i]n addition, the ALJ did not provide adequate bases for discrediting the opinions of two of Plaintiff's medical sources." ([Filing 16](#), at 2-3.) Defendant also states that "[o]n remand, the ALJ will grant Plaintiff's request for a supplemental hearing and give further consideration to all of the treating and examining source opinions pursuant to 20 C.F.R. § 416.927. ([Id.](#), at 3.) Because I construe Defendant's motion as a concession of error at the administrative level that brings into question the decision below, and because Defendant specifically concedes that this matter should be remanded pursuant to sentence four of 42 U.S.C. § 405(g), I will reverse and remand this matter to Defendant for a supplemental hearing and reconsideration of the evidence, as stated in Defendant's brief.

Accordingly,

IT IS ORDERED that:

1. Defendant's motion to remand ([filing 15](#)) is granted.
2. This matter is reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g).
3. Judgment shall be entered by separate document.

January 15, 2009.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge